

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,
Plaintiff,

v.

Raymond Gandia-Rosa,
Defendant

and

F.B.I.,
Garnishee

CASE: 3:97-CR-0084-001 (PG)

MOTION REQUESTING ORDER PURSUANT TO
28 U.S.C. §3205(c) (7)

TO THE HONORABLE COURT:

COMES NOW, the United States of America, through its undersigned attorneys and respectfully alleges and prays:

1) A Writ of Garnishment, directed to Garnishee, has been duly issued and served upon the F.B.I. as Garnishee.

2) In reply to the Writ of Garnishment, the Garnishee filed its Answer on August 15, 2005, stating that at the time of the service of the Writ they had in their possession or under their control the amount of \$96,080.00, as well as personal property as stated thereto.

3) On August 8, 2005, the defendant was notified, via return receipt requested, of his right to a hearing and as of this date has not requested a hearing to determine exemptions

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over his property.

WHEREFORE, it is respectfully requested from this Honorable Court, pursuant to 28 U.S.C. §3205(c)(7) to order the Garnishee to pay the sum of **\$95,605.00**; that is, \$96,080.00 less \$475.00 which the garnishee has claimed to be exempt as personal property of the debtor. Payment in the amount of \$95,605.00 shall be made payable to the Clerk of the U.S. District Court for this district to be credited as a partial payment to the restitution imposed by this Honorable Court on case 3:97-cr-0084-001(PG). Further, as to the amount of \$475.00 left in the possession, custody or control of the Garnishee, the Plaintiff has no objection that it be returned to the defendant, as exempt property of the defendant.

CERTIFICATE: I HEREBY CERTIFY that on this date this motion was filed via CM/ECF and on this same date copy was sent by regular mail to: Raymond Gandia-Rosa, Crystal Oaks, 81 Leafland Pt, Lecanto, FL 34461; and F.B.I., Federal Building, 5th Floor, San Juan, PR 00918.

In San Juan Puerto Rico, this 22nd day of August, 2005.

H. S. GARCIA
United States Attorney

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